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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,418	02/09/2004	Katsuhiko Hara	00862.022146.1	6585

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EXAMINER

SORRELL, ERON J

ART UNIT PAPER NUMBER

2182

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/773,418

Applicant(s)

HARA ET AL.

Examiner

Eron J. Sorrell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 32-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/805,883.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/9/04; 12/8/05; 5/26/06.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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DETAILED ACTION

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 32, 33, 37, 38, 42, 43, and 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Poger et al. (U.S. Patent No. 6,772,420 hereinafter "Poger").

3. Referring to apparatus claim 32, method claim 37, and system claim 42, Poger teaches an information processing apparatus (item 115 in figure 1) connected with an external information processing apparatus (item 110 in figure 1) and a peripheral apparatus (items 154 and 156 in figure 1) via a network (item 120 in figure 1), comprising:

obtaining means for obtaining a device driver (network device 115 receives driver software from server 110), which controls the peripheral device, delivered by the external

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information processing apparatus (server 110) in response to a delivery of the device driver to the external information processing apparatus (see step 240 in figure 2), wherein the device driver is obtained from the external information processing apparatus without issuing to the external information processing apparatus a request for the device driver (see lines 43-47 of column 5, note Poger teaches the driver is installed automatically); and

control means for preparing the device driver obtained by the obtaining means so that the device driver is in an executable state (see lines 39-42 of column 2, note that preparing the driver so that it is in an executable state is part of the installation process).

4. Referring to apparatus claim 33, method claim 38, and system claim 43, Poger teaches the information processing apparatus further comprising driving means for, after obtaining the device driver, executing the device driver in response to completion of preparation of the device driver to drive the peripheral device (see lines 39-42 of column 1, note once the information processing device has the driver installed it can start controlling the peripheral).

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5. Referring to claim 47, Poger teaches a network system comprising a peripheral device (items 154 and 156 in figure 1), a first information processing apparatus (server 110 in figure 1) storing a device driver (item 138 in figure 1 memory for storing driver software) for driving the peripheral device, and a second information processing apparatus (see item 115 in figure 1),

wherein said first information processing apparatus includes:

transfer means for transferring the device driver from said first information processing apparatus without receiving a request for obtaining the device driver from said second information processing apparatus (driver software transferred from server 110 to network device 115, see lines 27-35 of column 5), and

wherein said second information processing apparatus includes:

obtaining means for obtaining, from said first information processing apparatus, the device driver transferred from said first information processing apparatus network device 115 receives driver software from server 110; and storing means (item 158 in figure 1) for storing the driver and setting the peripheral device to a controllable status in response to the

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obtaining means obtaining the device driver (see lines 39-42 of column 2, note that preparing the driver so that it is in an executable state is part of the installation process).

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 34,36,39,41,44, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poger in view of Marbry et al. (U.S. Patent No. 5,692,111 hereinafter "Marbry").

8. Referring to apparatus claim 34, method claim 39, and system claim 44, Poger fails to teach the peripheral device includes a printing apparatus and the device driver is a printer driver.

Marbry teaches, in an analogous system, the above limitation (see lines 18-35 of column 3).

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It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Poger with the above teachings of Marbry in order to execute print jobs over the network as suggested by Marbry (see <sup>lines</sup> ~~lines~~ 1-11 of column 2).

9. Referring to apparatus claim 36, method claim 41, and system claim 46, Marbry the obtaining means remotely calls a reception program for receiving the device driver in the external information processing apparatus via a remote procedure call (see lines 16-35 of column 1).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Poger with the above teachings of Marbry for the same reasons as mentioned above.

10. Claims 35, 40, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poger in view Marbry as applied to claims 34, 39, and 44 above, and further in view of Shimizu et al. (U.S. Patent No. 6,609,162 hereinafter "Shimizu").

11. Referring to apparatus claim 35, method claim 40, and system claim 45, the combination of Poger and Marbry fails to

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teach the information processing apparatus having input means for inputting image information, wherein the driving means controls the printing apparatus to print the image information by executing the device driver.

Shimizu teaches, in an analogous system, an information processing apparatus (item 102 in figure 2) having input means for inputting image information (item 201 in figure 2), wherein the driving means controls the printing apparatus to print the image information by executing the device driver (see lines 27-36 of column 4).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the Poger-Marbry combination with the above teachings of Shimizu in order to provide a data processing apparatus having improved operability which can use a realizable function via a network as if the function is provided by a single device as suggested by Shimizu (see paragraph bridging columns 1 and 2).

#### *Conclusion*

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following US Patent is cited to further show the state of the art as it pertains to the applicant's invention:



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US Patent No. 6,789,111 teaches a method and system for installing drivers for newly installed peripheral devices automatically;

U.S. Patent No. 5,640,562 to Wold et al. teaches preparing a driver so that it is in an executable state is part of the driver installation process.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J. Sorrell whose telephone number is 571 272-4160. The examiner can normally be reached on Monday-Friday 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EJS  
October 18, 2006



**KIM HUYNH**  
**SUPERVISORY PATENT EXAMINER**  
10/29/06